

Mayerson & Hartheimer, PLLC.

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Counsel for Debtor and Debtor in Possession

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

BERNSOHN & FETNER LLC,

Debtor.

Chapter 11

Case No. 17-23707 (RDD)

**MONTHLY FEE STATEMENT OF
MAYERSON & HARTHEIMER, PLLC, AS COUNSEL FOR
THE DEBTOR AND DEBTOR IN POSSESSION FOR THE PERIOD
FROM MAY 1, 2018 THROUGH AND INCLUDING MAY 31, 2018**

Pursuant to section 327, 330 and 331 of chapter 11 of title 11 of the United States Code, Rule 2016 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), Rule 2016-1 of the Local Bankruptcy Rules for the United States Bankruptcy Court for the Southern District of New York, *the Order Authorizing the Retention of Mayerson & Hartheimer, PLLC as Bankruptcy Counsel to Debtor Effective to the Petition Date*, dated January 18, 2018 [Docket No. 36], and *the Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals*, dated January 17, 2018 [Docket No. 35], (the “Interim Compensation Order”), Mayerson & Hartheimer, PLLC (“M&H”), counsel for the above-captioned debtor and debtor in possession (the “Debtor”) hereby submits this *Monthly Fee Statement of Mayerson & Hartheimer, PLLC as Counsel to the Debtor and Debtor-in-*

Possession for the Period from May 1, 2018 Through and Including May 31, 2018 (this “Fee Statement”) seeking compensation for 80% of its legal fees and reimbursement of its expenses for such Fee Period.¹ Specifically, M&H seeks (i) interim allowance of \$22,770.00 for the reasonable and necessary legal services that M&H rendered to the Debtor during the Fee Period; (ii) compensation in the amount of \$18,216.00 which is 80% of the total amount of compensation sought for actual and necessary legal services rendered during the Fee Period (*i.e.* \$22,770.00), and (iii) the allowance and payment of \$1,103.72 for the actual and necessary expenses that M&H incurred in connection with such services during the Fee Period. M&H represents that Debtor has sufficient funds to pay this amount, and that M&H is holding no retainer to apply against the amounts due.

Itemization of Services Rendered and Disbursement Incurred

1. Attached hereto as **Exhibit A** is a schedule of M&H professionals, including the standard hourly rate for each attorney who rendered services to the Debtor in connection with this chapter 11 case during the Fee Period and the title, hourly rate, aggregate hours worked and the amount of fees earned by each professional.

2. Attached hereto as **Exhibit B** is a schedule for the Fee period setting forth the total amount of payment sought with respect to the expenses for which M&H is seeking payment in this Fee Statement. All of these disbursements comprise the requested sum for M&H’s out-of-pocket expenses, which total \$1,103.72.

3. Attached hereto as **Exhibit C** are the time records of M&H, which provide a

¹ The period from May 1, 2018, through and including May 31, 2018 is referred to herein as the “Fee Period”.

daily summary of time spent by each M&H professional during the Fee Period.

Notice

4. No trustee or examiner has been appointed in this case. Pursuant to the Interim Compensation Order, notice of this Fee Statement has been served upon: (a) the Debtor, 12 Van Houten Street, Upper Nyack, New York 10960, Attn. Steven Fetner; (b) the Office of the United States Trustee for the Southern District of New York, U.S. Federal Office Building, 201 Varick Street, Suite 1006, New York, New York 10014, Attn. Brian Masumoto, Esq.; (c) Counsel to Randall Bernsohn, Tannenbaum Helpert Syracuse & Hirschtritt LLP, 900 Third Avenue, New York, New York 10022, Attn. Richard W. Trotter, Esq.; and (d) to the extent not listed herein, those parties requesting to be a Notice Party for the Monthly Fee Statements. M&H submits that, in light of the nature of the relief requested, no other or further notice need be given. Pursuant to the Interim Compensation Order, said parties have fourteen (14) days to review this Fee Statement and apprise M&H of any objection.

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WHEREFORE, M&H, in connection with services rendered on behalf of the Debtor, respectfully requests (i) interim allowance of compensation for professional services rendered during the Fee Period, in the amount of \$22,770.00, and payment for expenses incurred in connection with such services, in the amount of \$1,103.72, (ii) payment in accordance with the procedures set forth in the Interim Compensations Order (*i.e.*, payment of 80% of the compensation sought in the amount of \$18,216.00) and payment of 100% of expenses incurred, in the amount of \$1,103.72.

New York, New York
Dated: June 13, 2018

MAYERSON & HARTHEIMER, PLLC,

By: /s/ David H. Hartheimer
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*Counsel for Debtor and Debtor in
Possession*

EXHIBIT A

**FEE STATEMENT OF MAYERSON &
HARTHEIMER, PLLC AS COUNSEL TO THE DEBTOR
AND DEBTOR IN POSSESSION (MAY 1, 2018 – MAY 31, 2018)**

The M&H attorneys and paraprofessionals who rendered services during the Fee Period are:

TIME KEEPER	POSITION WITH THE APPLICANT	YEAR FIRST ADMITTED	HOURLY BILLING RATE*	TOTAL BILLED HOURS	TOTAL COMPENSATION
David H. Hartheimer	Member	1990	\$600.00	34.90	\$19,110.00
Sandra E. Mayerson	Member	1976	\$600.00	5.30	\$3,060.00
Priscilla Caiza	Paralegal	NA	\$100.00	6.00	\$600.00
TOTAL FOR TIME KEEPERS				46.20	\$22,770.00

* Time Keepers' non-working travel time is billed at 50% of normal Hourly Billing Rate.

EXHIBIT B

Mayerson & Hartheimer PLLC - Expense Report

Expense Date	User	Expense Type	Description	Bill Price
Bernsohn & Fetner, LLC				
05/03/2018	David Hartheimer	E102 - Outside printing	Printing service copies of m&h fee app.	\$135.00
05/03/2018	David Hartheimer	E108 - Postage	Postage for mailing service of Notice of motion and Fee apps for M&H and Vernon	\$63.00
05/03/2018	David Hartheimer	E102 - Outside printing	Copying service copies of Vernon fee app.	\$45.00
05/04/2018	David Hartheimer	E102 - Outside printing	coping for service of notice of motion for both the M&H and Vernon fee apps.	\$20.00
05/10/2018	David Hartheimer	E102 - Outside printing	Printing motion for bar date order and ordinary course professionals with exhibits.	\$55.75
05/10/2018	David Hartheimer	E101 - Copying	Copying of Motion for ordinary course professionals and bar date order. 1,143 pages at \$\$.25 @ page.	\$285.75
05/10/2018	David Hartheimer	E124 - Other	Envelops for service of motion for ordinary course professionals and courtesy copies of same and bar order motion.	\$14.00
05/10/2018	David Hartheimer	E108 - Postage	Postage for service of motion for ordinary course professionals and courtesy copies of bar date motion.	\$88.00
05/15/2018	David Hartheimer	E101 - Copying	Copies for Vernon March and April Fee Statement and Mayerson and Hartheimer April fee Statement.	\$24.00
05/15/2018	David Hartheimer	E108 - Postage	Postage for mailing Vernon March and April Fee Statement and M&H April fee statement	\$7.50
05/29/2018	David Hartheimer	E108 - Postage	Postage for service of bar order and notice. 68 packages	\$94.45
05/29/2018	David Hartheimer	E108 - Postage	postage for mailing courtesy copy of April 2018 MOR to Chambers.	\$1.42
05/29/2018	David Hartheimer	E101 - Copying	copying 70 copies of bid package.	\$227.50
05/29/2018	David Hartheimer	E124 - Other	envelopes for service of bar order.	\$16.10
05/29/2018	David Hartheimer	E101 - Copying	Copying form POCs forms for bar notice package.	\$26.25
Totals Billable Amounts for Bernsohn & Fetner, LLC				\$1,103.72
Grand Total				\$1,103.72

EXHIBIT C

Mayerson & Hartheimer PLLC -Time Records Summary

Date	Description	Hourly Rate	Billable Time	Bill Amount
David Hartheimer				
05/02/2018	Finalizing fee app for m&h with exhibits, proposed order and notice of hearing. Attention to preparing service copies and filing on ECF.	\$600.00 hr	2.50	\$1,500.00
05/02/2018	Drafting and finalizing fee application for Financial advisor to the debtor. Drafting notice of motion. Attention to preparing service copies and filing on ECF.	\$600.00 hr	1.50	\$900.00
05/02/2018	TC with court Clerk to obtain hearing date for fee applications for M&H and Vernon.	\$600.00 hr	0.10	\$60.00
05/03/2018	Revising order granting motion for extension and email to court.	\$600.00 hr	0.20	\$120.00
05/03/2018	Driving to and from court for motion hearing for motion to extend time of exclusivity and time to file a plan.	\$300.00 hr	0.80	\$240.00
05/03/2018	Prepare for and appear at motion hearing on motion to extend exclusivity and time to file plan.	\$600.00 hr	2.00	\$1,200.00
05/03/2018	Revising form of order for motion to extend time to file plan. Sending email to court with form of order.	\$600.00 hr	0.40	\$240.00
05/04/2018	Drafting certificates of service for fee applications of Mayerson and Hartheimer and Vernon. Drafting certificates of service for notices of motions for fee applications of m&h and Vernon.	\$600.00 hr	0.80	\$480.00
05/07/2018	Call to court RE bar dates.	\$600.00 hr	0.10	\$60.00
05/07/2018	Revising bar order application, proposed bar date motion and proposed order. (No Charge)	\$0 hr	0.80	\$0.00
05/07/2018	Drafting fee statement for April.	\$600.00 hr	0.70	\$420.00
05/07/2018	Reviewing signed order extending time.	\$600.00 hr	0.20	\$120.00
05/08/2018	Drafting April fee statement including exhibits.	\$600.00 hr	1.10	\$660.00
05/08/2018	Legal research on ordinary course professionals retention motion.	\$600.00 hr	0.60	\$360.00
05/08/2018	Drafting ordinary course professionals motion, notice of motion proposed form of order, ordinary course Questionnaire questionnaires, tables of ordinary course professionals.	\$600.00 hr	5.10	\$3,060.00
05/08/2018	Call with labor litigation counsel M. Rogers on [REDACTED]	\$600.00 hr	0.30	\$180.00
05/09/2018	Drafting and finalizing motion to authorize the retention of ordinary ordinary course professionals. Including proposed order, questionnaires and table of proposed professionals. Attention to filing on ECF.	\$600.00 hr	4.50	\$2,700.00
05/09/2018	Drafting and finalizing ex parte motion for setting bar date including proposed bar date notice and proposed bar date order. Attention to filing motion on ECF.	\$600.00 hr	0.50	\$300.00
05/10/2018	Attention to service of motion for ordinary course professionals and courtesy copies of bar date motion.	\$600.00 hr	0.80	\$480.00
05/10/2018	2 TCs with law clerk to judge Drain re revisions to bar motion.	\$600.00 hr	0.30	\$180.00
05/10/2018	Drafting certificate of service for motion to employ ordinary course professionals. Filing certificate on courts ECF system.	\$600.00 hr	0.50	\$300.00
05/15/2018	Finalizing fee statement and attention to service.	\$600.00 hr	1.30	\$780.00
05/15/2018	Revising form of bar order and notice in accordance with court clerk. (No Charge)	\$0 hr	1.50	\$0.00
05/15/2018	Review march and April fee statement of Vernon. Attention to service and filing.	\$600.00 hr	0.90	\$540.00
05/23/2018	Review Bar Order signed by court.	\$600.00 hr	0.20	\$120.00
05/23/2018	TC with Dorothy Li, Court room Deputy re no notice being docketed.	\$600.00 hr	0.10	\$60.00
05/23/2018	Review notice of bar date approved by court.	\$600.00 hr	0.30	\$180.00
05/24/2018	Meeting with M. Panvell to organize the preparation of proof of claim packages.	\$600.00 hr	1.00	\$600.00
05/24/2018	Prepare for meeting with S. Fetner and M. Rogers re [REDACTED]	\$600.00 hr	2.50	\$1,500.00
05/24/2018	Review operating report with S. Fetner	\$600.00 hr	0.10	\$60.00
05/24/2018	Review strategy [REDACTED] with S. Fetner.	\$600.00 hr	0.30	\$180.00
05/24/2018	Non working travel to meet with M. Rogers, special litigation counsel and S. Fetner.	\$300.00 hr	0.70	\$210.00
05/29/2018	Preparing bar date notice package for service on 70 parties.	\$600.00 hr	2.10	\$1,260.00
05/31/2018	Working with paralegal in preparing bar order service list for certificate of service.	\$600.00 hr	0.10	\$60.00
Total Labor For David Hartheimer			34.90	\$19,110.00
Priscilla Caiza				
05/02/2018	Finalize fee application for service and filing	\$100.00 hr	4.00	\$400.00
05/03/2018	Prepare first Interim Fee Application of Mayerson and Hartheimer for service	\$100.00 hr	1.00	\$100.00
05/03/2018	Prepare first interim fee application of Vernon Consulting for service and filing	\$100.00 hr	1.00	\$100.00

		Total Labor For Priscilla Caiza	6.00	\$600.00
Sandra Mayerson				
05/02/2018	Review and revise first quarterly interim fee app	\$600.00 hr	0.90	\$540.00
05/03/2018	Review and finalize proposed order extending time to file plan; Draft cover letter to J. Drain enclosing same	\$600.00 hr	0.20	\$120.00
05/04/2018	Finalize certificates of service for Dkt #'s 55,56,57 and 58 and file same on ECF	\$600.00 hr	0.50	\$300.00
05/07/2018	Review and revise bar date motion, order and proposed notice	\$600.00 hr	1.80	\$1,080.00
05/09/2018	Review and revise motion to retain ordinary course professionals and accompanying documents.	\$600.00 hr	0.40	\$240.00
05/10/2018	Confer with DHH re changes to bar date order in light of Court's call. (No Charge)	\$0 hr	0.20	\$0.00
05/16/2018	Further revisions to Monthly Operating Report	\$600.00 hr	0.10	\$60.00
05/24/2018	Review and analyze documents to prep for [REDACTED] meeting with client [REDACTED]	\$600.00 hr	1.00	\$600.00
05/24/2018	TC L Patt re final edits to Monthly Operating Report; Finalize and file April Monthly Operating Report	\$600.00 hr	0.20	\$120.00
		Total Labor For Sandra Mayerson	5.30	\$3,060.00
		Total Labor For Bernsohn & Fetner, LLC	46.20	\$22,770.00
		Grand Total Labor	46.20	\$22,770.00